

THE GOVERNMENT OF PART C STATES ACT, 1951
No. XLIX OF 1951

*See India Code
Volume II.*

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Government of Part C States



Act to provide for Legislative Assemblies, Councils of Ministers and Councils of Advisers for Part C States.

[6th September, 1951]

Enacted by Parliament as follows:—

PART I
PRELIMINARY

1. **Short title and commencement.**—(1) This Act may be called the Government of Part C States Act, 1951.

(2) This section and sections 2, 3, 4, 6, 7, 8, 17, 42, 43 and 44 and the first, Second, Third and Fifth Schedules shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the Central Government may by notification in the Official Gazette appoint; and for this purpose the Central Government may appoint different dates for different provisions of this Act and for different States:

Provided that the provisions of sections 3, 4, 6, 7, 8 and 17 shall not come into force in any of the States of Kutch, Manipur and Tripura until such date or dates as the Central Government may by notification in the Official Gazette appoint in this behalf.

2. **Interpretation.**—(1) In this Act, unless the context otherwise requires,—

(a) "article" means an article of the Constitution;

(b) "Assembly constituency" means a constituency provided ^[by law] ~~order made under sub-section (2) of section 4~~ for the purpose of elections to the Legislative Assembly of a State;

(c) "Delhi", except where it occurs in the expression "State of Delhi", means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify;

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

(e) "Judicial Commissioner" includes an Additional Judicial Commissioner;

(f) "New Delhi" means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify;

(g) "State" means any State specified in Part C of the First Schedule to the Constitution, ~~other than Bilaspur.~~ ^{xxxx}

↓ Omitted by S. 18 of Act 32 of 1954 (w.e.f. 1-7-54).

↓ Subs. by S. 28 of Act 2 of 1956.

~~(1) For the purposes of this Act, the castes specified in the First Schedule shall be the Scheduled Castes in relation to the Part C State under which they are so specified, and the tribes specified in the Second Schedule shall be the Scheduled Tribes in relation to the Part C State under which they are so specified.~~

(3) Any reference in this Act to the Chief Commissioner shall, in relation to a State for the time being administered by the President through a Lieutenant-Governor, be construed as a reference to the Lieutenant-Governor.

(4) Any reference in this Act to laws made by Parliament shall be construed as including a reference to Ordinances made by the President under article 123.

PART II

LEGISLATIVE ASSEMBLIES

3. Constitution of Legislative Assemblies and their composition.—(1) There shall be a Legislative Assembly for each State.

(2) The allocation of seats in the Legislative Assemblies of the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh shall be as shown in the Third Schedule.

(3) In the Legislative Assembly of each State specified in the first column of the Third Schedule there shall be the number of seats specified in the second column opposite to that State which shall be filled by direct election, and of those seats—

(a) the number specified in the third column shall be the number of seats reserved for the Scheduled Castes, and

(b) the number, if any, specified in the fourth column shall be the number of seats reserved for the Scheduled Tribes.

(4) The composition of the Legislative Assembly of any State which is not specified in the first column of the Third Schedule shall be such as the President may by order specify in relation to that State.

(5) As from the date on which the Legislative Assembly of Coorg is after having been duly constituted under the provisions of this Part, summoned to meet for its first session, the Coorg Legislative Council shall cease to function and shall be deemed to be dissolved.

~~4. Delimitation of constituencies.—(1) For the purpose of elections to the Legislative Assembly of a State, there shall be constituencies as provided by order made under sub-section (2) and no other constituencies.~~

(2) As soon as may be after this section comes into force in any State, the President shall by order determine—

(a) the constituencies into which such State shall be divided;

(b) the extent of such constituencies;

(c) the number of seats allotted to each such constituency; and

(d) the number of seats, if any, reserved for the Scheduled Castes or for the Scheduled Tribes in each constituency.

(3) The President may, from time to time, after consulting the Election Commission, by order alter or amend any order made by him under sub-section (2).

Amended by S. 28 of Act 2 of 1956

1951].

(4) The Election Commission shall—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13 of the Representation of the People Act, 1950 (XLIII of 1950), in respect of each State other than Coorg, formulate proposals as to the delimitation of constituencies in that State under sub-section (2), and

(b) in consultation with the member of Parliament representing the State of Coorg formulate proposals as to the delimitation of constituencies in that State under sub-section (2),

and submit the proposals to the President for making the orders under the said sub-section (2).

5. Duration of Legislative Assemblies.—The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

~~6. Electoral rolls for Assembly constituencies.~~—(1) For the purpose of elections to the Legislative Assembly of a State, there shall be an electoral roll for every Assembly constituency. /x x 4

(2) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III of the Representation of the People Act, 1950 (XLIII of 1950), as relate to the areas comprised within an Assembly constituency shall be deemed to be the electoral roll for that Assembly Constituency.

7. Qualification for membership of the Legislative Assembly.—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless he—

(a) is a citizen of India;

(b) is not less than twenty-five years of age; and

(c) (i) in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes of that State, is a member of any of those castes or tribes as the case may be, and is an elector for any Assembly constituency in that State;

(ii) in the case of any other seat, is an elector for any Assembly constituency in that State.

Explanation.—In this section, the expression "elector", in relation to a constituency, means a person whose name is for the time being entered in the electoral roll of that constituency.

8. Elections to the Legislative Assembly.—The provisions of Part I and Parts III to XI of the Representation of the People Act, 1951 (XLIII of 1951), and of any rules and orders made thereunder for the time being in force, shall apply in relation to an election to the Legislative Assembly of a State, as they apply in relation to an election to the Legislative Assembly of a Part A State, subject to such modifications as the President may, after consultation with the Election Commission, by order direct.

↓ Omitted by S. 28 of Act 2 of 1956.

9. Sessions of the Legislative Assembly, prorogation and dissolution.—(1)

The Chief Commissioner shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Chief Commissioner may, from time to time,—

(a) prorogue the Assembly;

(b) dissolve the Assembly.

10. The Speaker and Deputy Speaker of the Legislative Assembly.—

(1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of an Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office;

(c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as may be determined by the rules of procedure of the Assembly.

(4) During the absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly of the State by law and, until provision in that behalf is so made, such salaries and allowances as the Chief Commissioner may, with the approval of the President, by order determine.

11. The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.—(1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration

the Deputy Speaker, shall not, though he is present, preside, and the provisions of sub-section (4) of section 10 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 15, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

12. Right of Chief Commissioner to address and send messages to the Assembly.—The Chief Commissioner may address the Assembly and may for this purpose require the attendance of members and he may also send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise, and when a message is so sent, the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

13. Rights of the Chief Commissioner and Ministers as respects the Assembly.—The Chief Commissioner and every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote.

14. Oath or affirmation by members.—Every member of the Legislative Assembly of a State shall, before taking his seat, make and subscribe before the Chief Commissioner, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Fourth Schedule.]

15. Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.—(1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly of a State shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as such.

(2) The Speaker or person acting as such shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly of a State shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly of a State shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Legislative Assembly of a State shall be ten members or one-third of the total number of members of the Assembly, whichever is greater.

(5) If at any time during a meeting of the Legislative Assembly of a State there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

16. Vacation of seats.—(1) No person shall be a member both of Parliament and of the Legislative Assembly of a State, and if a person is chosen a member both of Parliament and of such Assembly, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly of the State.

(2) If a member of the Legislative Assembly of a State—

(a) becomes subject to any disqualification mentioned in section 17 for membership of the Assembly, or

(b) resigns his seat by writing under his hand addressed to the Speaker,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly of a State is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant :

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

4 [(1)] **17. Disqualifications for membership.**—A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of a State, if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of article 102, *[or of any law made in pursuance of that article]*

18. Penalty for sitting and voting before making oath or affirmation or when not qualified or when disqualified.—If a person sits or votes as a member of the Legislative Assembly of a State before he has complied with the requirements of section 14, or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the State.

19. Powers, privileges, etc., of members.—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly of each State.

(2) No member of the Legislative Assembly of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly of a State and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of a State or any committee thereof as they apply in relation to members of that Assembly.

In Remembrance, Added & Ins. by S. 2 of Act 7 of 1957.

20. Salaries and allowances of members.—Members of the Legislative Assembly of a State shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislative Assembly of the State by law and, until provision in that respect is so made, such allowances as the Chief Commissioner may, with the approval of the President, by order determine.

21. Extent of legislative power.—(1) Subject to the provisions of this Act, the Legislative Assembly of a State may make laws for the whole or any part of the State with respect to any of the matters enumerated in the State List or in the Concurrent List :

Provided that the Legislative Assembly of the State of Delhi shall not have power to make laws with respect to any of the following matters, namely:—

- (a) public order ;
- (b) police including railway police ;
- (c) the constitution and powers of municipal corporations and other local authorities, of improvement trusts and of water supply, drainage, electricity, transport and other public utility authorities in Delhi or in New Delhi ;
- (d) lands and buildings vested in or in the possession of the Union which are situated in Delhi or in New Delhi including all rights in or over such lands and buildings, the collection of rents therefrom and the transfer and alienation thereof ;
- (e) offences against laws with respect to any of the matters mentioned in the foregoing clauses ;
- (f) jurisdiction and powers of all courts, with respect to any of the said matters; and
- (g) fees in respect of any of the said matters other than fees taken in any court.

(2) Nothing in sub-section (1) shall derogate from the power conferred on Parliament by the Constitution to make laws with respect to any matter for a State or any part thereof.

22. Inconsistency between laws made by Parliament and laws made by the Legislative Assembly of a State.—If any provision of a law made by the Legislative Assembly of a State is repugnant to any provision of a law made by Parliament, then the law made by Parliament, whether passed before or after the law made by the Legislative Assembly of the State, shall prevail and the law made by the Legislative Assembly of the State shall, to the extent of the repugnancy, be void.

Explanation.—For the purposes of this section, the expression “law made by Parliament” shall not include any law which provides for the extension to the State of any law in force in any other part of the territory of India.

23. Sanction of the Chief Commissioner required for certain legislative proposals.—No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of a State without the previous sanction of the Chief

1 Ins. by S. 3 of Act 7 of 1954.

2 Added by S. 4, ibid.

Commissioner, if such Bill or amendment makes provision with respect to any of the following matters, namely:—

- (a) constitution and organisation of the court of the Judicial Commissioner;
- (b) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or in the Concurrent List;
- (c) State Public Service Commission.

24. Special provisions as to financial Bills.—(1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly of a State except on the recommendation of the Chief Commissioner, if such Bill or amendment makes provision for any of the following matters, namely:—

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State;
- (c) the appropriation of moneys out of the Consolidated Fund of the State;
- (d) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure;
- (e) the receipt of money on account of the Consolidated Fund of the State or the custody or issue of such money;

Provided that no recommendation shall be required under this subsection for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State shall not be passed by the Legislative Assembly of a State unless the Chief Commissioner has recommended to that Assembly the consideration of the Bill.

25. Procedure as to lapsing of Bills.—(1) A Bill pending in the Legislative Assembly of a State shall not lapse by reason of the prorogation of the Assembly.

(2) A Bill which is pending in the Legislative Assembly of a State shall lapse on a dissolution of the Assembly.

26. Assent to Bills.—(1) When a Bill has been passed by the Legislative Assembly of a State, it shall be presented to the Chief Commissioner and the Chief Commissioner shall reserve the Bill for the consideration of the President.

(2) When a Bill is reserved by a Chief Commissioner for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that the President may direct the Chief Commissioner to return the Bill to the Legislative Assembly together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration.

27. Requirements as to sanction and recommendations to be regarded as matters of procedure only.—No Act of the Legislative Assembly of a State, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given by the President.

28. Annual financial statement.—(1) The Chief Commissioner of each State shall in respect of every financial year cause to be laid before the Legislative Assembly of the State, with the previous approval of the President, a statement of the estimated receipts and expenditure of the State for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the State, and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the State,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of each State—

(a) the emoluments and allowances of the Chief Commissioner and other expenditure relating to his office as determined by the President by general or special order;

(b) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;

(c) expenditure in respect of the salaries and allowances of a Judicial Commissioner;

(d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(e) any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly of the State to be so charged.

29. Procedure in Legislative Assembly with respect to estimates.—(1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of a State shall not be submitted to the vote of the Legislative Assembly of the State, but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

↳ Ins. by S. 5 of Act 7 of 1954.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Chief Commissioner.

30. Appropriation Bills.—(1) As soon as may be after the grants under section 29 have been made by the Assembly there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet—

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the State, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of this section.

31. Supplementary, additional or excess grants.—(1) The Chief Commissioner shall—

(a) if the amount authorised by any law made in accordance with the provisions of section 30 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before the Legislative Assembly of the State, with the previous approval of the President, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the State with such previous approval a demand for such excess, as the case may be.

(2) The provisions of sections 28, 29 and 30 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or grant.

32. Rules of procedure.—(1) The Legislative Assembly of a State may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Chief Commissioner shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules—

(a) for securing the timely completion of financial business;

(b) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the State.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before this section comes into force in any State shall have effect in relation to the Legislative Assembly of that State subject to such modifications and adaptations as may be made therein by the Chief Commissioner.

33. Language to be used in the Legislative Assembly.—(1) Notwithstanding anything in Part XVII of the Constitution but subject to the provisions of article 348, business in the Legislative Assembly of a State shall be transacted in the official language or languages of the State or in Hindi or in English.

(2) Unless Parliament or the Legislative Assembly of the State by law otherwise provides, this section shall, after the expiration of a period of fifteen years from the commencement of the Constitution, have effect as if the words "or in English" were omitted therefrom.

34. Restriction on discussion in the Legislative Assembly.—No discussion shall take place in the Legislative Assembly of a State with respect to the conduct of any Judicial Commissioner or of any judge of the Supreme Court or of a High Court in the discharge of his duties.

35. Courts not to inquire into proceedings of the Legislative Assembly.—

(1) The validity of any proceedings in the Legislative Assembly of a State shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly of a State in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III

COUNCIL OF MINISTERS

36. Council of Ministers.—(1) There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the State has power to make law

Ins. by S. 6 of Act 7 of 1954.

except in so far as he is required by any law to exercise any judicial or quasi-judicial functions :

Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter, the Chief Commissioner shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

Provided further that in the State of Delhi every decision taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner, and nothing in this sub-section shall be construed as preventing the Chief Commissioner in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of New Delhi as he in his discretion considers necessary.

(2) The Chief Commissioner shall, when he is present, preside at meetings of the Council of Ministers, and, when the Chief Commissioner is not present, the Chief Minister or, if he is also not present, such other Minister as may be determined by the rules made under sub-section (1) of section 38, shall preside at meetings of the Council.

(3) If any question arises as to whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Chief Commissioner thereon shall be final.

(4) If in the State of Delhi any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Chief Commissioner thereon shall be final :

Provided that in case of any difference of opinion between the Chief Commissioner and his Ministers on such question, it shall be referred for the decision of the President and his decision shall be final.

(5) The question whether any, and if so what, advice was tendered by Ministers to the Chief Commissioner shall not be inquired into in any court.

37. Other provisions as to Ministers.—(1) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister.

(2) The Ministers shall hold office during the pleasure of the President.

(3) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.

(4) Before a Minister enters upon his office, the Chief Commissioner shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Fourth Schedule.

(5) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly of the State shall at the expiration of that period cease to be a Minister.

(6) The salaries and allowances of Ministers shall be such as the Legislative Assembly of the State may from time to time by law determine, and, until the Legislative Assembly so determines, shall be determined by the Chief Commissioner with the approval of the President.

38. Conduct of business.—(1) The President shall make rules—

(a) for the allocation of business to the Ministers ; and

(b) for the more convenient transaction of business with the Ministers, including the procedure to be adopted in the case of a difference of opinion between the Chief Commissioner and the Council of Ministers or a Minister and in relation to any matter concerning New Delhi.

(2) All executive action of the Chief Commissioner, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Chief Commissioner.

(3) Orders and other instruments made and executed in the name of the Chief Commissioner shall be authenticated in such manner as may be specified in rules to be made by the Chief Commissioner, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Chief Commissioner.

PART IV

MISCELLANEOUS

39. Consolidated Fund of the State.—(1) ~~As from the first day of April, 1952, in the case of any of the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh, and as from such date as may be appointed in this behalf by the Central Government by notification in the Official Gazette in the case of any other State, all revenues received in that State by the Government of India or the Chief Commissioner in relation to any matter with respect to which the Legislative Assembly of that State has power to make laws, and all grants made from the Consolidated Fund of India to that State shall form one consolidated fund to be entitled "the Consolidated Fund of the State".~~

(2) No moneys out of the Consolidated Fund of a State shall be appropriated except in accordance with, and for the purposes and in the manner provided in, this Act :

Provided that the balance standing at any time at the credit of the Consolidated Fund of a State shall not be less than such amount as the President may by order specify.

(3) The custody of the Consolidated Fund of a State, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Chief Commissioner with the approval of the President.

40. Relation of Chief Commissioner and his Ministers to the President.—Notwithstanding anything in the foregoing provisions of this Act, the Chief Commissioner and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

41. Provision in case of failure of constitutional machinery.—If the President, on receipt of a report from the Chief Commissioner of a State or otherwise, is satisfied that a situation has arisen in which the administration of the State cannot be carried on in accordance with the provisions of this Act, the President may, by order, suspend the operation of

1/ Subs. by S. 7 of Act 7 of 1954.

2/ Ins. by S. 8, ibid.

all or any of the foregoing provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the State in accordance with the provisions of article 239.

42. Constitution of Councils of Advisers in the case of certain States.—The President may, by notification in the Official Gazette, constitute for any of the States of Kutch, Manipur and Tripura a Council of Advisers consisting of such number of members as he may think fit for the purpose of assisting the Chief Commissioner in the discharge of such of his functions under article 239 as may be specified by the President, and the notification constituting such Council shall define the powers to be exercised and the procedure to be followed by the Council.

43. Power of the President to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act and, in particular, in relation to the constitution of the Legislative Assembly for any State, the President may by order do anything not inconsistent with such provisions which appear to him to be necessary or expedient for the purpose of removing the difficulty.

44. Amendment of certain enactments.—The enactments specified in the Fifth Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

~~THE FIRST SCHEDULE~~

~~[See sections 1(2) and 2(2)]~~

~~Scheduled Castes in certain Part C States~~

~~Ajmer~~

- | | |
|-------------|---------------|
| 1. Aheri | 21. Kalbelia |
| 2. Bagri | 22. Kanjar |
| 3. Balai | 23. Khangar |
| 4. Bambhi | 24. Khatik |
| 5. Bansphod | 25. Koli |
| 6. Baori | 26. Korai |
| 7. Bargi | 27. Kuchband |
| 8. Bazigar | 28. Mahar |
| 9. Bhangi | 29. Meghwal |
| 10. Bidakia | 30. Mochi |
| 11. Chammar | 31. Nat |
| 12. Dabgar | 32. Pasi |
| 13. Dhanak | 33. Raigar |
| 14. Dhed | 34. Rawal |
| 15. Dhobi | 35. Sarbhangi |
| 16. Dholi | 36. Sargara |
| 17. Dom | 37. Satia |
| 18. Garoda | 38. Thori |
| 19. Gancha | 39. Tirgar |
| 20. Jatava | 40. Sansi |

6

1/2 omitted by S. 28 & Sch. of Act 2 of 1956.

Bhopal

1. Balahi
2. Basar
3. Bedia
4. Beldar
5. Chamar
6. Chitar
7. Dhanuk
8. Dome

9. Kanjar
10. Khatik
11. Koli
12. Mehtar, Bhangij
13. Mahar
14. Mang
15. Nut
16. Silawat

Coorg

1. Adi Dravida
2. Adi Karnataka
3. Adiya
4. Balagai
5. Holeya
6. Madiga

7. Muchi]
8. Mundala
9. Panchama
10. Paraya
11. Poleya
12. Samagara

Delhi

1. Adi-Dharmi
2. Agria
3. Aheria
4. Balai
5. Banjara
6. Bawaria
7. Bazigar
8. Bhangij
9. Bhil
10. Chamar
11. Chanwar Chamar
12. Chohya (Sweeper)
13. Chuhra (Balmiki)
14. Dhanak or Dhanuk
15. Dhobi
16. Dom
17. Gharrami
18. Jatya or Jatav Chamar
19. Julaha (Weaver)
20. Kabirpanthi
21. Kachbandha

22. Kanjar
23. Khatik
24. Koli
25. Lalbegi
26. Madari
27. Mallah
28. Mazhabi
29. Megwal
30. Mochi
31. Nat (Rana)
32. Pasi
33. Perna
34. Ram Dasia
35. Ravidasi or Raidasi
36. Rehgarh or Raigar
37. Sansi
38. Sapera
39. Sikligar
40. Singiwala or Kalbelia
41. Sirkiband

Himachal Pradesh

- | | |
|--|-----------------------------------|
| 1. Ad-dharmi | 16. Kabirpanthi or Julaha or Keer |
| 2. Balmiki or Chura or Bhangi or Sweeper | 17. Koli |
| 3. Bangali | 18. Mazhabi |
| 4. Banjar | 19. Mochi |
| 5. Banar | 20. Nat |
| 6. Bawaria | 21. Od |
| 7. Bazigar | 22. Pasi |
| 8. Besi | 23. Phrera |
| 9. Bhanjra | 24. Ramdasi or Ravidasi |
| 10. Chamar | 25. Ramdasia |
| 11. Chanal | 26. Rehar |
| 12. Dagi | 27. Sansi |
| 13. Daole | 28. Sapela |
| 14. Dhaki or Toori | 29. Sikligar |
| 15. Doom or Doomna | 30. Sirkiband |

Vindhya Pradesh

- | | |
|---------------------|-------------------------------|
| 1. Basor (Bansphor) | 6. Dom |
| 2. Chamar | 7. Domar or Doris |
| 3. Dahait | 8. Kuchbandhia |
| 4. Dharkar | 9. Mehtar or Bhangi or Dhanuk |
| 5. Dher | 10. Mochi |

THE SECOND SCHEDULE

[See sections 1(2) and 2(2)]

*Scheduled Tribes in certain Part C States**Bhopal*

- | | |
|----------|--------------------------|
| 1. Bhil | 5. Mogia |
| 2. Gond | 6. Pardhi |
| 3. Karku | 7. Saharia, Sosia or Sor |
| 4. Keer | |

Coorg

- | | |
|-----------|------------|
| 1. Korama | 4. Maratha |
| 2. Kudiy | 5. Meda |
| 3. Kuruba | 6. Yerava |

~~Vindhya Pradesh~~

- | | |
|-----------------|-------------|
| 1. Agariya | 8. Kamar |
| 2. Baiga | 9. Khairwar |
| 3. Bedia | 10. Majhi |
| 4. Bhl | 11. Mawasi |
| 5. Blumiya | 12. Panika |
| 6. Biar (Biyar) | 13. Pao |
| 7. Gond | 14. Somr. |

THE THIRD SCHEDULE

[See sections 1(2) and 3(4)]

Table of Seats in the Legislative Assemblies

State	Total number of seats	Seats reserved for Scheduled Castes	Seats reserved for Scheduled Tribes
1	2	3	4
Ujmer	30	6	..
Bhopal	30	5	2
Boorg	24	3	3
Delhi	48	6	..
Himachal Pradesh	36[41]	8[9] 4	..
Vindhya Pradesh	60	6	6

THE FOURTH SCHEDULE

[See sections 14 and 37 (4)]

Forms of Oaths or Affirmations

I

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE LEGISLATIVE ASSEMBLY

"I, A.B., having been elected a member of the Legislative Assembly, do ^{swear in the name of God} solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

Subs. by S.13 of Act 32 of 1954 (w.e.f. 1-7-54)

II

FORM OF OATH OF OFFICE FOR A MEMBER OF THE COUNCIL OF MINISTERS

"I, A.B., do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Minister for the State of....., and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or illwill."

III

FORM OF OATH OF SECRECY FOR A MEMBER OF THE COUNCIL OF MINISTERS

"I, A.B., do swear in the name of God solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the State of..... except as may be required for the due discharge of my duties as such Minister."

THE FIFTH SCHEDULE

[See sections 1(2) and 44]

Enactments amended

Year	Number	Short title	Amendments
1	2	3	4
1950	XLIII	The Representation of the People Act, 1950.	<p>In clause (cc) of section 2, for the words, figures and letter "or group of such States referred to in section 27A" the words "specified in the first column of the Fifth Schedule" shall be substituted.</p> <p>In section 27A—</p> <p>(i) for the first and the second provisos to sub-section (1) the following proviso shall be substituted, namely :—</p> <p>"Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg or to the States of Manipur and Tripura, there shall be an Electoral College for each of the said States." ;</p> <p>(ii) in sub-sections (2), (3) and (4), the words "or group of States", wherever they occur, shall be omitted ;</p> <p>(iii) in sub-section (3), the words "as the case may be" shall be omitted ;</p> <p>(iv) for sub-section (5), the following sub-sections shall be substituted, namely :—</p>

Sr	Number	Short title	Amendments
	2	3	4
			<p>(5) The electoral college for each of the States of Ajmer, Bhopal, Coorg, Delhi and Vindhya Pradesh shall consist of the members of the Legislative Assembly of that State.</p> <p>(6) The electoral college for the group of States of Bilaspur and Himachal Pradesh shall consist of—</p> <p>(a) the member of the House of the People representing the State of Bilaspur; and</p> <p>(b) the members of the Legislative Assembly of the State of Himachal Pradesh.”</p> <p>In section 27B, the words “or group of States” shall be omitted.</p> <p>In clause (a) of section 27C, the words “or group of States”, in the two places where they occur, shall be omitted.</p> <p>For section 27E, the following section shall be substituted, namely :—</p> <p>“27E. <i>Procedure as to orders delimiting Constituencies.</i>—The Election Commission shall, in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, formulate proposals as to the delimitation of constituencies in that State under section 27C and submit the proposals to the President for making the order under that section.”</p> <p>In sub-section (1) of section 27F, the words “or group of States”, in the two places where they occur, shall be omitted.</p> <p>In sub-section (1) of section 27I, for the words “elected members of the Coorg Legislative Council”, in the two places where they occur, the words “members of the electoral college for the State of Coorg” shall be substituted.</p> <p>In section 27J, the words “or the elected members of the Coorg Legislative Council” and the words “or Council, as the case may be” shall be omitted.</p>

Year	Number	Short title	Amendments
1	2	3	4

For section 27K, the following section shall be substituted, namely :—

“27K. *Electoral Colleges for certain States for which Legislative Assemblies have been constituted.*—Notwithstanding anything in the foregoing provisions of this Part, if a Legislative Assembly is constituted under the Government of Part C States Act 1951, for any of the States specified in the first column of the Fifth Schedule, then as from the date on which the Legislative Assembly of such State is, after having been duly constituted under that Act, summoned to meet for its first session any electoral college for the time being functioning for such State under section 27A shall be deemed to be dissolved and the electoral college for such State shall be deemed to consist of the elected members of the Legislative Assembly of that State.”

For the Fifth Schedule, the following Schedule shall be substituted, namely :—

“THE FIFTH SCHEDULE.

[See sections 27A(2), 27B, 27C(a), 27E, 27F(1) and 27K.]

Number of members of Electoral Colleges.

Name of State	Number of members
1	2
1. Kutch	30
2. Manipur	30
3. Tripura	30”

1951 XLIII The Representation of the People Act, 1951.

In clause (j) of sub-section (1) of section 1 the words “or group of such States” shall be omitted.

In clause (b) of sub-section (2) of section 1 the words “and also the elected members of the Coorg Legislative Council, necessary” shall be omitted.

Year	Number	Short title	Amendments
1	2	3	4
			<p>In the proviso to section 13, the words "or group of such States" and "or group of States" shall be omitted.</p> <p>In section 39—</p> <ul style="list-style-type: none"> (i) in sub-section (1), the words "or by the elected members of the Coorg Legislative Council" shall be omitted; (ii) in sub-section (2), the words "or the elected members of the Coorg Legislative Council" shall be omitted; (iii) in clause (a) of the third proviso to sub-section (4), the words "or by the elected members of the Coorg Legislative Council" and the words "or to the list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted. <p>In sub-section (3) of section 53, the words "or the elected members of the Coorg Legislative Council", in the two places where they occur, shall be omitted.</p> <p>In sub-section (2) of section 71, the words "including the elected members of the Coorg Legislative Council" shall be omitted.</p> <p>In section 147, the words "or the elected members of the Coorg Legislative Council" shall be omitted.</p> <p>In sub-section (2) of section 152, the words "or by the elected members of the Coorg Legislative Council" and the words "or a list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted.</p>